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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,700	07/25/2001	John Ross Campbell	821-11US	3993
23716	7590	08/20/2004	EXAMINER	
ANTHONY ASQUITH 28-461 COLUMBIA STREET WEST WATERLOO, ON N2T 2P5 CANADA			WALLS, DIONNE A	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/911,700	Applicant(s) CAMPBELL, JOHN ROSS	
	Examiner Dionne A. Walls	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Art in view of Sellars (US. Pat. No. 6,203,635).

Regarding claims 1-2, 7-8 and 11, Applicant already admits that a process for making panels in which cut-out shapes of glass are laminated to a base pane is known in the art. The cut-out pieces are cut from the same piece of glass as the base-pane to which the pieces are adhered. The shaped pieces are adhered to the base pane by placing the base-pane, with the shaped-pieces laid thereon, into a kiln or furnace. The heat causes the surface of the glass items to melt, and the pieces then fuse together (see instant specification pages 1-2). While Applicant may not specifically state that the cut-out pieces are first cut in a numerically-controlled, water jet-type glass-cutting machine, Applicant does state, on page 6 of the instant application, that numerically-controlled water-jet glass cutting machines are well-known, and that such machines have been employed for cutting many materials, including glass. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize such a machine, which would have the claimed structural/functional

limitations, to cut the claimed glass pieces since use of this type of machine is well-known in many arts – as admitted by Applicant. Also, while Applicant may not specifically state that a template is provided, having apertures which correspond to the cut shapes of the shaped pieces; and positioning the shaped-pieces on the base-plane using the apertures in the template to located the pieces in position, Sellars discloses, in an invention relating to the bonding of glass pieces to another glass sheet to form a decorative glass panel, the use of a template which can have apertures in which a series of glass pieces are placed in the correct configuration. The template is provided so that it can be releasably secured to the surface, and the outline of the apertures match, but is slightly larger than, the outline of the cluster of glass pieces (see col. 1, lines 1-7; col. 2, lines 6-67; see figs.). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize a template, such as disclosed in Sellars, in the procedure for manufacturing glass panels disclosed in Applicant's Admitted Art in order to allow precise positioning of the glass pieces to form the decorative glass clustered arrangement to be aided as taught in Sellars (see col. 2, lines 30-32)

Regarding claims 3-4, while there may be no articulation that the apertures in the template are also cut out on an NC machine, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the same device for cutting the glass to also cut the template apertures since, as admitted by applicant, these machines have been employed for cutting many materials, and it is obvious that such machine would not only be capable of

cutting glass pieces but also for producing interior cut-out within sheets of material.

Regarding claim 5, while the combined references may not specifically articulate a “coatings template” to be placed over a base-plane and applying coloring material onto the base plane through apertures in the coating template, the Examiner believes that the template of Applicant’s Admitted Art modified by Sellars can also serve as a coating template for applying coloring material since, as admitted by Applicant, it is known for decorative glass pieces to be supplied pre-colored before being applied to the base panel (see page 3).

Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time of the invention to place the shaped-pieces in the template apertures manually since, as stated by Applicant, most decorative glass panels are prepared by hand (see page 1). Therefore, while it may have been obvious to one having ordinary skill in the art to cut the glass pieces using a water-jet cutting device, it would also have been obvious, since done previously, to manually (by hand) place the glass pieces into the desired apertures in the template in order to ensure an artistically-designed glass panel that is partly handcrafted – since such “handicraft” characteristic is marketable to the consumer.

Regarding claims 9-10, it would have been obvious to one having ordinary skill in the art at the time of the invention to remove or retain the template prior to placing the glass panel with shaped-pieces thereon based on user preference, economics, and the desirability of the artisan to reuse the templates.

Regarding claim 12, while there is no specific articulation in the combined references of fixing the template before placing the shaped-pieces, it would have been obvious to one having ordinary skill in the art at the time of the invention to do so before positioning the glass items in order to secure the template so that the glass pieces can be placed with negligible lateral movement.

3. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Art in view of Sellars (US. Pat. No. 6,203,635) as applied to the claims above, and further in view of Cocolas et al ("Overglazes on Glass").

Regarding claim 13, while the combined references may not articulate placing the template on a backing-sheet in such manner that the shaped pieces can rest upon the backing sheet, and wherein the backing sheet and the shaped pieces are positioned thereon onto the base-pane, Cocalas et al discloses that, in the lamination of glass, different decorating medium can be placed between the two pieces that are to be laminated (see page 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to place the shaped-pieces on the decorating medium (i.e. backing sheet) which is to lie between the shaped-pieces and the base pane in order to provide for a more aesthetically pleasing glass panel.

Regarding claim 14, Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time of the invention to place the shaped-pieces in the template apertures manually since, as stated by Applicant, most decorative glass panels are prepared by hand (see page 1). Therefore,

while it may have been obvious to one having ordinary skill in the art to cut the glass pieces using a water-jet cutting device, it would also have been obvious, since done previously, to manually (by hand) place the glass pieces into the desired apertures in the template in order to ensure an artistically-designed glass panel that is partly handcrafted – since such “handicraft” characteristic is marketable to the consumer.

Response to Arguments

4. Applicant's arguments filed March 1, 2004 have been fully considered but they are not persuasive.

- Applicant argues that while, for arguments sake, it may concede the fact that cutting out shaped glass pieces by an NC cutting machine would be an obvious modification to hand-cutting said pieces, and it may concede the fact that using a template to position glass shaped-pieces on a base-pane would obviously occur to the skilled person, it does not believe that it would have been obvious to one skilled in the art to combine cutting the shaped-pieces on an NC machine and using a template to position said pieces on the base-pane. In other words, Applicant argues that even though these two features are known individually, per se, the Examiner has not provided a reason why it would occur to the skilled person to select that particular combination of procedural features. Further, it argues that the fact that Sellars proposes to use a template with glass pieces does not take away from the fact that it is Applicant who has discovered that it is only when the shaped-pieces are cut by the NC machine that the use of a template can be seriously considered. The Examiner, respectfully, disagrees

with Applicant's assertions. Applicant has already conceded, in its Response, that same thing that is stated in the Office Action, that it would have been obvious to change from cutting out shaped-pieces of glass by hand to cutting out the shaped-pieces on an NC cutting machine. Therefore, all of the limitations of the independent claims, at least, have been met except for that which provides for the shaped-pieces to be placed on the base-pane using a template – having apertures – into which the pieces are located in set positions. Now the question becomes, would it have been obvious for one, who already has cut out the pieces by a NC cutting machine, to utilize a template to position said pieces on a base-plane. The Examiner contends that the answer would be in the affirmative, because such is suggested by reading the Sellars disclosure. As stated in the Office Action, Sellars discloses a process that is quite similar to the instantly claimed process since it discloses the bonding of glass pieces together to another glass sheet to form a decorative glass panel, and the use of a template with apertures into which a series of glass pieces are placed in the correct configuration. One having ordinary skill in the art would view this reference as analogous and would find the disclosure which teaches the use of a template - for the purpose of enabling precise positioning of glass pieces for a decorative glass arrangement - to be a motivating factor in modifying the decorative glass panel manufacturing procedure - involving applying glass pieces to a base pane for bonding thereto – which is already known in the art. In other words, the Examiner is merely introducing the disclosure of Sellars to show that the use of a template to position decorative glass pieces prior to bonding said pieces to a

base glass pane is known and, therefore, would serve as motivation to use such template in other applications involving the bonding or fusing of glass pieces, in a particular configuration, to a glass sheet. One may also observe the use of a template to position glass pieces in the Trujillo et al reference (US. Pat. No. 4,861,364), which is offered for Applicant's interest only. This is yet another indication that the use of a template, for the purposes described above, is well-known in the art. Therefore, the Examiner believes that the use of the combined references to reject the instant claims is proper.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

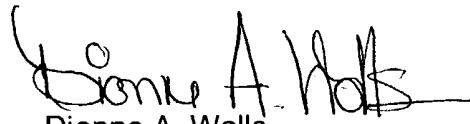
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is

(571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dionne A. Walls
Primary Examiner
Art Unit 1731

August 18, 2004